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APPLICATION NO. 09/150,237	FILING DATE 08/17/98	FIRST NAMED INVENTOR MORANDU	ATTORNEY DOCKET NO. MJV-117-A
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QM51/0326

EXAMINER NGUYEN, N

ART UNIT 3745	PAPER NUMBER
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DATE MAILED: 03/26/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/130,937

Applicant(s)
Morando

Examiner
Ninh Nguyen

Group Art Unit
3745



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-68 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☐ Claim(s) _____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☒ Claims 1-68 are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-15, 16, 18-29, 46-56, and 61, drawn to a pump for pumping molten metal with a particular type of shaft, classified in class 415, subclass 200.

II. Claims 30, 31, 32-34 draw to a pump for pumping molten metal with a particular strainer plate and impeller, classified in class 415, subclass 200.

III. Claims 35, 36, and 39 is drawn to a pump for pumping molten metal with particular support posts to support pump housing in a bath of molten metal, classified in class 415, subclass 200.

Linking Claims

Claims 62-64 drawn to a combination of the pump shaft and support posts for the molten pump.

Claim 65 drawn to a combination of pump shaft and strainer plate for the molten pump.

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2. The inventions are independent, each from other because of the following reasons:

The inventions are unconnected in design, function and effect.

3. Because these inventions are independent for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Election of Species

4. Invention I: shaft and shielding means for a molten metal pump.

This application contains claims directed to the following patentably distinct species of the claimed invention:

Species 1: Fig. 1

Species 2: Fig. 2

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

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Claims 1-8, 10-28, 46-56, and 61 are generic to all species 1 and 2.

Claim 9 is specific for species 1.

Claims 29,57-60 are specific for species 2.

5. Invention III: supporting post for a molten pump.

This application contains claims directed to the following patentably distinct species of the claimed invention:

Species 1: Fig. 10.

Species 2: Fig. 11.

Species 3: Fig. 12.

Species 4: Figs 5-8.

Species 5: Fig 8a.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Claims 35, 36, 39, 40, 46, 62, 66 and 67 are generic to species 1-3.

Claims 37 is specific for species 1.

Claim 38 is specific to species 2.

Claims 41,63 and 64 are specific to species 3.

Claims 42, 66 and 68 are generic to species 4 and 5.

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Claims 43, and 44 are specific to species 4.

Claim 45 is specific to species 5.

Applicant is advised that a response to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

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Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Ninh Nguyen whose telephone number is (703) 305-0061. The examiner can be normally reached on Monday-Friday from 8:00 A.M. to 5:30 P.M.

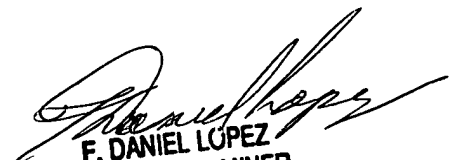
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look, can be reached at (703) 308-1044. The fax number for this group is (703) 305-3588.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.



Ninh H. Nguyen
Patent Examiner
Art Unit 3745

nhn
March 25, 1999



F. DANIEL LOPEZ
PRIMARY EXAMINER
3745